

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN MCWHORTER,

Petitioner,

v.

DARREN SWENSEN,

Respondent.

Case No. C06-5294RBL

ORDER DISMISSING PETITION

The Court, having reviewed the petition for habeas corpus, the Report and Recommendation of Judge J. Kelley Arnold, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's pending motions, if any, are DENIED.
- (3) Petitioner's federal habeas petition is DISMISSED.
- (4) The Clerk is directed to send copies of this Order to petitioner and to Judge Arnold.

DATED this 21<sup>st</sup> day of November, 2006.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE